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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,423	01/12/2001	Paul Green	PGR-100	2318
23557	7590	02/04/2004	EXAMINER	
SALIWANCHIK LLOYD & SALIWANCHIK A PROFESSIONAL ASSOCIATION 2421 N.W. 41ST STREET SUITE A-1 GAINESVILLE, FL 326066669			WATSON, ROBERT C	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 02/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/759,423

Applicant(s)

GREEN, PAUL

Examiner

Robert C. Watson

Art Unit

3723

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED _____ FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


ROBERT C. WATSON
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's argument that the references do not show a jack coupled to an A-frame of a trailer ignores the fact that Sweetland shows a jack coupled to an A-frame of a trailer. Further, applicant is not claiming the A-frame of a trailer hence it is no more than a matter of intended use that has no patentable significance as to what the jack is ultimately mounted to. Applicant further states that the references do not show how to movably connect a first piece of a jack relative to a second piece of a jack ignores the fact that Linton et al teaches movably connecting a first piece of a jack relative to a second piece of a jack. Applicant asserts that one skilled in the art would somehow be puzzled as to how to incorporate in the Sweetland jack the teachings of Linton et al of first and second pieces for adjustability in Sweetland. Applicant's statement impermissibly ignores the level of skill of one skilled in the art. Applicant further argues that some of the structure in Linton et al is not "removably mounted". It is the examiner's position that all elements can obviously be removed in the reverse manner from which they were assembled. Even, for argument's sake, if the proposed combination were not removable from the Sweetland A-frame this would not defeat the principle purpose of the Sweetland jack; ie., to lift a trailer A-frame. A jack that is either removable or not removable does not defeat Sweetland's principle purpose of lifting a trailer A-frame. In any case, applicant's remarks are not commensurate with the extremely broad scope of claim 1. Applicant is merely claiming a first piece connected to a second piece whereby the first and second pieces can transition between a plurality of pieces which is exactly what Linton et al shows. Applicant's arguments, accordingly are found to be devoid of merit.



ROBERT C. WATSON
PRIMARY EXAMINER